

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Dan Scott Johnson

Serial No.: 10/808,036

Filed: March 24, 2004

For: AUDIO/VIDEO COMPONENT  
NETWORKING SYSTEM AND  
METHOD

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**APPEAL BRIEF PURSUANT  
TO 37 C.F.R. §§ 41.31 AND 41.37**

This Appeal Brief is being filed in response to the Final Office Action mailed on December 17, 2009, and in furtherance of a Notice of Appeal filed March 16, 2010.

1. **REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 11445 Compaq Center Dr. W, Houston, TX 77070, U.S.A. (hereinafter “HPDC”). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

2. **RELATED APPEALS AND INTERFERENCES**

The Appellant is unaware of any other appeals or interferences related to this Appeal. The undersigned is the legal representative of the Appellant in this Appeal.

3. **STATUS OF CLAIMS**

Claims 1, 3-15, 17, 18, 20, 21, and 27-33 are currently pending and rejected, and are the subject of this appeal. Claims 2, 16, 19, 22-26 and 34 have been canceled during prosecution and are not subject to this appeal.

4. **STATUS OF AMENDMENTS**

There are no outstanding amendments to be considered by the Board.

5. **SUMMARY OF CLAIMED SUBJECT MATTER**

The Application contains five independent claims, namely, claims 1, 13, 27, 29, and 30, all of which are the subject of this Appeal. The independent claims each relate generally to a distributed audio/video component network and/or method that enable a user to identify, select, hear and/or view and/or otherwise be presented with audio/video program data, available from any one of a plurality of locally or remotely distributed source components, on a desired presentation device. *See* Application, pg. 26, paragraph 0073, lines 1 through 4. The independent claims are further, yet still generally, directed to a distributed audio/video component network and/or method that filters an aggregated

audio/video program data listing based on the format of the audio/video program data and/or the presentation device selected to present the audio/video program data. *Id.*, page 26, paragraph 0074, lines 1-10. The application also contains dependent claims 3-12, 14, 15, 17, 18, 20, 21, 28 and 31-33. The subject matter of independent claims 1, 13, 27, 29, and 30 is summarized below.

With regard to independent claim 1, discussions of the recited features can be found at least in the below-cited locations of the specification and drawings. By way of example, claim 1 recites an audio/video (A/V) component networking system (*e.g.*, 10, Fig. 1) that includes a plurality of source components (*e.g.*, 16, Fig. 1) providing A/V program data (*e.g.*, 32, Fig. 1) and first and second presentation devices (*e.g.*, 14, Fig. 1). *Id.*, page 4, paragraph 0019, lines 1-2. A sink component (*e.g.*, 12, Fig. 1) disposed remotely from at least one of the source components is adapted to display on a first presentation device a menu (*e.g.*, 110, Fig. 3) listing an aggregation of the A/V program data available from each of the source components. *Id.*, page 12, paragraph 0035, line 1 through paragraph 0036, line 8. The sink component controls presentation on a second presentation device of the desired A/V program data, which is selected from the menu and received from the corresponding source component. *Id.*, page 12, paragraph 0035, lines 10-13.

With regard to independent claim 13, discussions of the recited features can be found at least in the below-cited locations of the specification and drawings. By way of example, claim 13 recites an audio/video (A/V) component networking method (*e.g.*, Fig. 6, 300-344, Fig. 6) that includes displaying on a first presentation device a menu listing an aggregation of A/V program data (*e.g.*, 316, 324, Fig. 6) available from each of a plurality of source components, and controlling, via a sink component, presentation on a second presentation device (*e.g.*, 338, 344, Fig. 3) of desired A/V program data selected from the menu and received from the corresponding source component. *Id.*, page 26, paragraph 0073, line 1 through paragraph 0074, line 5.

With regard to independent claim 27, discussions of the recited features can be found at least in the below-cited locations of the specification and drawings. By way of example, claim 27 recites an audio/video (A/V) component networking method (*e.g.*, Fig. 6, 300-344, Fig. 6) that includes receiving, via a sink component, desired A/V program data selected from a menu displayed on a first presentation device. The menu lists an aggregation (*e.g.*, 316, 324, Fig. 6) of A/V program data available from each of a plurality of source components. The sink component receives the desired A/V program data from a corresponding source component, and the desired A/V program data is presented on a second presentation device (*e.g.*, 338, 344, Fig. 3). *Id.*, page 26, paragraph 0073, line 1 through paragraph 0074, line 5.

With regard to independent claim 29, discussions of the recited features can be found at least in the below-cited locations of the specification and drawings. By way of example, claim 29 recites an audio/video (A/V) component networking system (*e.g.*, 10, Fig. 1) that includes a source component (*e.g.*, 16, Fig. 1), a presentation device (*e.g.*, 14, Fig. 1) and a sink component (*e.g.*, 12, Fig. 1) adapted to control presentation of A/V program data (*e.g.*, 32, Fig. 1) received from the source component on the presentation device. *Id.*, page 12, paragraph 0035, line 1 through paragraph 0036, line 8. The sink component is adapted to transmit a command to the source component to control display of an A/V menu data stream on the presentation device, wherein the A/V program data displayed in the menu on the first presentation device is based on the suitability of the format of the desired A/V program data for the presentation device. *Id.*, page 10, paragraph 0031, line 9-17.

With regard to independent claim 30, discussions of the recited features can be found at least in the below-cited locations of the specification and drawings. By way of example, claim 30 recites an audio/video (A/V) component networking system (*e.g.*, 10, Fig. 1) that includes a source component (*e.g.*, 16, Fig. 1) adapted to transmit a stream of A/V menu data (*e.g.*, 83, Fig. 2) to the sink component to enable the user to identify,

access or control menu functions or parameters of the source component. *Id.*, page 12, paragraph 0036, line 1-19. The system further includes a presentation device (*e.g.*, 14, Fig. 1) and a sink component (*e.g.*, 12, Fig. 1) adapted to control presentation on the presentation device of A/V program data (*e.g.*, 32, Fig. 1) received from the source component. *Id.*, page 12, paragraph 0035, line 1 through paragraph 0036, line 8. The sink component is adapted to transmit a command to the source component to control display presentation of the A/V menu data stream on the presentation device. *Id.*, page 8, paragraph 27, line 1-11 *see also* page 13, paragraph 0036, lines 5-10. The stream of A/V menu data comprises a continuous or periodic data flow, thereby enabling automatic updating of A/V menu data provided to the user via the sink component. *Id.*, page 5, paragraph 0021, lines 18-25. The sink component is adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component. *Id.*, page 11, paragraph 0032, lines 4-7.

6. **GROUND S OF REJECTION TO BE REVIEWED ON APPEAL**

**A. First Ground of Rejection for Review on Appeal**

The Appellant respectfully urges the Board to review and reverse the Examiner's first ground of rejection by which the Examiner rejected claims 29-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2008/0189742 by Ellis, et al. (hereinafter "Ellis").

**B. Second Ground of Rejection for Review on Appeal**

The Appellant respectfully urges the Board to review and reverse the Examiner's second ground of rejection by which the Examiner rejected claims 1, 3, 5, 7, 11-13, 17, 22, 27, and 28 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,202,211 to Williams, Jr. (hereinafter "Williams, Jr.") and U.S. Patent Application Publication No. 2003/0048757 by Accarie, et al. (hereinafter "Accarie") in view of Ellis).

**C. Third Ground of Rejection for Review on Appeal**

The Appellant respectfully urges the Board to review and reverse the Examiner's third ground of rejection by which the Examiner rejected claims 4, 6, 8, 14, 15, 18, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. and Accarie, in view of Ellis, and further in view of U.S. Publication No. 2002/0056118 by Hunter, et al. (hereinafter "Hunter").

**D. Fourth Ground of Rejection for Review on Appeal**

The Appellant respectfully urges the Board to review and reverse the Examiner's fourth ground of rejection by which the Examiner rejected claims 9, 10, 20, 21, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr., in view of Accarie, in view of Ellis, in view of Hunter, and further in view of U.S. Patent Application Publication No. 2004/0019908 by Williams 908 (hereinafter "Williams 908").

7. **ARGUMENT**

As discussed in detail below, the Examiner has improperly rejected the pending claims. Further, the Examiner has misapplied long-standing and binding legal precedents and principles in rejecting the claims under 35 U.S.C. §§ 102(e) and 103(a). Accordingly, the Appellant respectfully requests full and favorable consideration by the Board, as the Appellant asserts that claims 1, 3-15, 17, 18, 20, 21, and 27-33 are currently in condition for allowance.

**A. Ground of Rejection No. 1**

For the reasons set forth below, the Appellant respectfully urges the Board to review and reverse the Examiner's first ground of rejection in which the Examiner rejected claims 29-33 under 35 U.S.C. § 102(e) as being anticipated by Ellis.

Independent claim 29 was rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis. Responsive thereto, the Appellant respectfully traverses the rejection.

A claim is anticipated under 35 U.S.C. § 102 only if a single prior art reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under 35 U.S.C. § 102, a single prior art reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. duPont de Nemours & Co.*, 750 F.2d 1569, 224 U.S.P.Q. 409 (Fed. Cir. 1984). The prior art reference also must show the *identical* invention "*in as complete detail as contained in the ... claim*" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, the Appellant needs only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Generally, Ellis discloses an interactive television program guide system that provides remote access to program guide functionality. Ellis, page 1, paragraph 0002, lines 2-4. More particularly, Ellis shows a main facility 12 (Fig. 1) that provides interactive television program guide data from program guide data source 14 to interactive television program guide equipment 17 via communications link 18. *Id.*, page 2, paragraph 0033, lines 1-5. Such interactive television program guide data may include television program listings data (e.g., program times, channels, titles, etc.) and other program guide data for additional services (e.g., pay-per-view, weather, etc.). *Id.*, page 2, paragraph 0034, lines 1-8. Interactive television program guide equipment 17 is connected to a remote program guide access device by remote access link 19. *Id.*, page 2, paragraph 0033, lines 19-21. Establishing remote access communications link 19 may involve exchanging one or more access communications between the interactive television program guide implemented on program guide equipment 17 and the remote access program guide on remote program guide access device 24. *Id.*, page 11, paragraph 0117, lines 1-6. These access communications may be object based and the program guide information may be encapsulated as component object model (COM) objects and

persisted to files transmitted over remote access link 19. *Id.*, page 11, paragraph 0118, lines 4-10.

In contrast, claim 29 recites in part “a sink component adapted to control presentation of A/V program data received from the source component on the presentation device” and “the A/V program data displayed in the menu on the first presentation device is based on a suitability of a format of the desired A/V program data for the presentation device”. (Emphasis Added). The Appellant submits that Ellis fails to disclose at least the above-recited elements of claim 29 and, therefore, Ellis can not anticipate the claim.

In rejecting claim 29, the Examiner cites Fig. 14 and Paragraph 0118 of Ellis as disclosing a “certain format is established for the remote access device such as *program guide information* is encapsulated as component object model objects”. Office Action, page 2, paragraph 3 (Emphasis Added). As is explained more particularly below, the rejection of claim 29 demonstrates that the Examiner has failed to see the distinction between Ellis’s disclosure that program guide information is provided to a remote system in one or more formats and the present invention wherein the format of the A/V program data itself serves as a basis for determining which content is suitable for, and is thus presented for selection in a menu displayed on, a particular presentation device. In other words, Ellis provides the same program listing content via one or more formats whereas the present invention provides program listings having content that is dependent upon and varies with the format of the available A/V program data and the suitability of the format of that data relative to the presentation device.

The Appellant notes that during patent examination, the pending claims must be given an interpretation that is *reasonable* and *consistent* with the specification. *See In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969); *see also In re Morris*, 127 F.3d 1048, 1054-55, 44 U.S.P.Q.2d 1023, 1027-28 (Fed. Cir. 1997); *see also* M.P.E.P. §§ 608.01(o) and 2111. The Federal Circuit has held that the “[t]he



descriptive part of the specification aids in ascertaining the scope and meaning of the claims inasmuch as the words of the claims must be based on the description. The specification is, thus, the primary basis for construing the claims.” *Phillips v. AWH Corp.*, 75 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 2005) (quoting *Standard Oil Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 452 (Fed. Cir. 1985)). Accordingly, the terms program guide and program data must be interpreted consistent with their respective Specifications.

Ellis defines *program guide* information as television program listings data (e.g., program times, channels, titles, etc.) and other program guide data for additional services (e.g., pay-per-view, weather, etc). Ellis, page 2, paragraph 0034, lines 1-8. In contrast, the claim term *A/V program data* is defined by the present Specification as consisting of “audio information, visual information, or a combination thereof, available in a variety of formats” and includes “still images . . . video content such as . . . movie or video content, a television broadcast, or streaming video . . . and/or audio content.” Specification, page 4, paragraph 0019, lines 7-12. In short, the program guide information of Ellis forms, at least in part, the content of the program guide or menu, whereas the *A/V program data* of the present invention is the actual entertainment content presented to a user in the form of, for example, a movie or still image.

Ellis discloses only one type of *A/V program data* – i.e., television video programs or channels. Ellis, page 1, paragraph 3, lines 1-2. Since Ellis discloses only one format of *A/V program data*, it does not and can not disclose that menu content or the content of a program listing is determined at least in part by the *format* of *A/V program data*. Ellis discloses only that the program guide information is placed in a certain format for transmission over remote access link. Ellis does not disclose using the format of the *A/V program data* to determine which program data is compatible with a particular presentation device, and therefore is, in turn, included in the content of the menu listing for that particular display device from which menu it can be selected for presentation to a viewer/listener. In contrast, the present Specification discloses that “sink component 12

may be configured to *filter the aggregated A/V program data listing based on a format of the A/V program data*". Specification, page 26, column 0074, lines 5-8 (Emphasis Added). Accordingly, Ellis fails to disclose "the A/V program data displayed in the menu on the first presentation device is based on a suitability of a format of the desired A/V program data for the presentation device", as recited in part by claim 29.

For at least the reasons discussed above, the Appellant submits that Ellis does not disclose all the elements of, and therefore does not anticipate, claim 29. Accordingly, the Appellant submits that claim 29 is allowable over the cited reference. Therefore, the Appellant respectfully requests the Board reverse the rejection of claim 29 under 35 U.S.C. § 102(e) and allow the claim to issue.

Claim 30 was also rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis. Responsive thereto, the Appellant respectfully traverses this rejection.

Claim 30 recites in part "a sink component . . . adapted to *filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component*". (Emphasis Added). The Appellant submits that Ellis fails to disclose at least the above-recited elements of claim 30 and, therefore, Ellis does not anticipate the claim.

The Examiner cites the disclosure of Ellis that "program guide information can be visually displayed on a monitor screen or audibly on a speaker" somehow discloses the above-quoted limitations of claim 30. Office Action, page 3 (Emphasis Added). The Appellant respectfully, but strongly, disagrees. Assuming, *arguendo*, that Ellis does in fact disclose that program guide information is presented to a user by various means (e.g., a displayed on a monitor screen or audibly from a speaker), Ellis nonetheless does not disclose filtering the *content* of its program guide information (or the content of its menu listing) based on the type of presentation device on which a selected program is to be presented to a user. Rather, the portion of Ellis cited by the Examiner merely discloses

that the program listings may be presented to a user in various forms, including visually in the form of “a table, listing grid, or . . . provided audibly for the user by using, for example, a speaker”. Ellis, page 12, paragraph 0121. Thus, Ellis discloses only that its program listing can be provided to a user via different means.

In contrast, the present invention discloses that “sink component 12 may be configured to *filter* the aggregated *A/V program data listing* based on . . . the *type of presentation device*”. Specification, page 26, column 0074, lines 5-8 (Emphasis Added). Ellis’ disclosure that the program listing may be displayed or provided audibly does not constitute disclosure that the actual *content* of the program listing is based on the suitability of the format of the A/V program data relative to the presentation device on which the program data is to be presented. In other words, presentation of menu information via different means, as disclosed by Ellis, simply does not constitute filtering the *content* of the menu information based on the type of presentation device on which the menu information is to be presented. Consistent with the disclosure of Ellis, a program listing provided on a device capable only of audible presentation may nonetheless include A/V program data or content that is in a non-audible format, such as, for example, a still image or other video content, and thus is not suitable for being presented on a device capable only of audible reproduction of A/V program data or content. In short, although Ellis may disclose reproducing the program listing either audibly or visually, Ellis does not disclose filtering the *content* of the program listing based on the particular presentation device on which that program listing is presented. Accordingly, Ellis fails to disclose filtering the A/V program data available from the source component based on a type of the presentation device, as recited in part by claim 30.

For at least the foregoing reasons, the Appellant submits that Ellis does not disclose all the elements of, and therefore does not anticipate, claim 30. Accordingly, the Appellant submits that claim 30, and claims 31-33 depending therefrom, are allowable

over the cited reference. Therefore, the Appellant respectfully requests the Board reverse the rejection of claims 30-33 under 35 U.S.C. § 102(e) and allow the claims to issue.

For at least the reasons discussed above, Ellis cannot anticipate independent claims 29 or 30, and claims 31-33 depending from claim 30. Accordingly, the Appellant respectfully requests that the Board reverse the rejection of claims 29-33 under 35 U.S.C. § 102(e).

**B. Ground of Rejection No. 2**

For the reasons set forth below, the Appellant respectfully urges the Board to review and reverse the Examiner's second ground of rejection in which the Examiner rejected claims 1, 3, 5, 7, 11-13, 17, 22, 27, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. and Accarie, in view of Ellis.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. and Accarie, in view of Ellis. Responsive thereto, the Appellant submits that a *prima facie* case of obviousness has not been established in regard to claim 1.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Although a showing of obviousness under 35 U.S.C. § 103 does not require an express teaching, suggestion or motivation to combine prior art references, such a showing has been described by the Federal Circuit as providing a "helpful insight" into the obviousness inquiry. *KSR Int'l. Co. v. Teleflex, Inc.*, No. 04-1350, 550 U.S. 398, 82 U.S.P.Q.2d 1385 (2007). Moreover, obviousness cannot be established by a mere showing that each claimed element is present in the prior art. *Id.* The Examiner must cite a compelling reason why a person having ordinary skill in the art would combine known elements in order to support a proper rejection under 35 U.S.C. § 103. *Id.*

Ellis discloses that non-program guide applications, such as a web browser application, e-mail and chat applications, etc., may be implemented on the user television equipment. Ellis, page 21, paragraph 0017. The interactive program guide/listing may include television program listings (e.g., program times, channels, titles and descriptions) and other program guide data for additional services other than television program listings. *Id.*, page 2, paragraph 0034.

In contrast, claim 1 recites in part “to display on the first presentation device a menu presenting *an aggregation of the A/V program data* available from each of the *plurality of source components*”. (Emphasis Added). The Appellant submits that the cited references, whether alone or in any sort of hypothetical combination, fail to disclose or suggest all the limitations of claim 1, and therefore a *prima facie* case of obviousness has not been established in regard thereto.

In rejecting claim 1, the Examiner cited Ellis as disclosing “a program guide menu presenting an aggregation of the A/V program data available from each of the plurality of source components (Para 34; Para 17; A/V program data from various sources such as television, internet browsing and game applications).” Office Action, page 5. While assuming, *arguendo*, that Ellis may disclose displaying program data for additional services, the Appellant submits that the program data/listing of Ellis is only available from and/or provided by a single source. More particularly, Ellis explicitly discloses that its interactive television guide data/listing is “transmitted *by main facility 12* to interactive television program guide equipment 17”. Ellis, page 2, paragraph 0033 (Emphasis Added). In other words, the program data/listing of Ellis lists the content and/or services available from a single source, i.e., main facility 12, and is therefore not an *aggregation* of A/V program data from a *plurality* of sources. Accordingly, Ellis fails to disclose or suggest displaying a menu presenting an aggregation of the A/V program data available from each of a plurality of source components, as recited in part by claim 1.

The Appellant submits that the claim terms “source” and “aggregation” must be interpreted consistent with and in light of the present Specification and that of Ellis. Moreover, the present specification discloses that a source component is “any device or source of A/V program data such as, but not limited to, a digital versatile disk (DVD) drive or player, a satellite tuner/receiver/demodulator, a stereo receiver, a cable tuner, a personal video recorder or digital video recorder (PVR/DVR), a computer, hard drive, or any other type of device for receiving, storing and/or transmitting . . . A/V program data.” Specification, page 4, paragraph 0020, lines 5-10. Thus, the present Specification explicitly discloses multiple sources of A/V program data. In contrast, Ellis discloses that its only source of program guide data is main facility 12. Ellis, page 2, paragraph 0033, lines 2-4. Thus, Ellis discloses only a single device capable of storing and/or transmitting A/V program data and thereby discloses only a single source of program guide data. Ellis does not disclose multiple devices capable of storing and/or transmitting A/V program data and thus does not disclose aggregating multiple sources of program guide data into a program listing. Accordingly, Ellis does not disclose displaying a menu presenting an aggregation of the A/V program data available from each of a plurality of source components, as recited in part by claim 1.

In regard to the term claim “aggregation”, the present Specification discloses that multiple source components are connected with a sink component, the aggregator of which aggregates the A/V program data available from each source component. Specification, page 9, paragraph 0030 (continuing on page 10). In contrast, Ellis discloses only that the guide data transmitted by main facility 12 may include television program listings and other program guide data for additional services. Ellis, page 2, paragraph 0034. Since Ellis discloses only one source of program data/listings, Ellis can not disclose that its program data/listing includes an aggregation of A/V program data from a plurality of different sources. Accordingly, Ellis does not disclose or suggest displaying a menu presenting an aggregation of the A/V program data available from each of the plurality of source components, as recited in part by claim 1.

The Examiner does not assert that Williams, Jr. or Accarie disclose displaying a menu that is an aggregation of the A/V program data available from each of the plurality of source. Nothing in Williams, Jr. or Accarie discloses generating or displaying a menu that contains aggregated A/V content from a number of source devices. Rather, only Ellis is relied upon by the Examiner as allegedly disclosing a program guide menu presenting an aggregation of A/V program data available from each of a plurality of source components. Office Action, page 5. Thus, neither Williams, Jr. or Accarie disclose displaying a menu presenting an aggregation of the A/V program data available from each of the plurality of source components, as recited in part by claim 1.

For at least the reasons discussed above, the cited references, alone or in any sort of hypothetical combinations, fail to disclose all of the elements of independent claim 1, and therefore a *prima facie* case of obviousness has not been established in regard thereto. Accordingly, the Appellant submits that independent claim 1, and claims 3-12 depending therefrom, are allowable over the cited references. Therefore, the Appellant respectfully requests that the Board reverse the rejection of claim 1 and 3-12 under 35 U.S.C. § 103(a) and allow the claims to issue.

Claim 13 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. and Accarie, in view of Ellis. Claim 13 recites in part “displaying a menu presenting an aggregation of A/V program data available from each of a plurality of source components on a first presentation device”. (Emphasis Added). Thus, in that regard, claim 13 recites subject matter substantially similar to the subject matter recited in part by claim 1. For the same reasons given above in regard to claim 1, the Appellant submits that the cited references, alone or in any sort of hypothetical combinations, fail to disclose all of the elements of independent claim 13, and therefore a *prima facie* case of obviousness has not been established in regard thereto. Accordingly, the Appellant submits that independent claim 13, and claims 14, 15, 17, 18, 20 and 21 depending therefrom, are allowable over the cited references. Therefore, the Appellant respectfully

requests that the Board reverse the rejection of claim 13, 14, 15, 17, 18, 20 and 21 under 35 U.S.C. § 103(a) and allow the claims to issue.

Claim 27 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. and Accarie, in view of Ellis. Claim 27 recites in part “a menu presenting *an aggregation of A/V program data available from each of a plurality of source components*, the menu displayed on a first presentation device”. (Emphasis Added). Thus, in that regard, claim 27 recites subject matter substantially similar to the subject matter recited in part by claim 1. For the same reasons given above in regard to claim 1, The Appellant submits that the cited references, alone or in any sort of hypothetical combinations, fail to disclose all of the elements of independent claim 27, and therefore a *prima facie* case of obviousness has not been established in regard thereto. Accordingly, the Appellant submits that independent claim 27, and claim 28 depending therefrom, are allowable over the cited references. Therefore, the Appellant respectfully requests that the Board reverse the rejection of claim 27 and 28 under 35 U.S.C. § 103(a) and allow the claims to issue.

The Appellant notes that claim 22 has been listed as rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. and Accarie, in view of Ellis. However, the Appellant notes that claim 22 has been canceled. Accordingly, the Appellant submits that the rejection of claim 22 under 35 U.S.C. § 103(a) is moot. The rejection of claim 22 is not addressed further herein.

For at least the reasons discussed above, the cited references, alone or in any hypothetical combination, fail to disclose all of the elements recited in independent claims 1, 13, 27 and 28. Accordingly, these independent claims are allowable over the cited references. For at least the same reasons, their respective dependent claims 3, 5, 7, 11, 12, and 17 are also allowable over the cited references. Accordingly, the Appellant respectfully requests that the Board reverse the rejection of claims 1, 3, 5, 7, 11-13, 17,



27 and 28 under 35 U.S.C. § 103(a), and further requests the reversal of the rejection of canceled claim 22.

**C. Ground of Rejection No. 3**

The Appellant respectfully urges the Board to review and reverse the Examiner's third ground of rejection by which the Examiner rejected claims 4, 6, 8, 14, 15, 18, and 25 under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. and Accarie, in view of Ellis, and further in view of Hunter.

The Appellant points out that claims 4, 6 and 8 depend from claim 1, and claims 14, 16 and 18 depend from claim 13. Independent claims 1 and 13 are allowable for the reasons given hereinabove. Thus, the Appellant submits that dependent claims 4, 6, 8, 14, 16 and 18 are also allowable for the reasons given hereinabove. Accordingly, the Appellant respectfully requests the Board reverse the rejection of claims 4, 6, 8, 14, 16 and 18 under 35 U.S.C. § 103(a).

The Appellant notes that claim 25 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. and Accarie, in view of Ellis and further in view of Hunter. However, the Appellant points out that claim 25 has been canceled. Accordingly, the Appellant respectfully asserts that the rejection is moot.

For at least the reasons discussed above, the cited references, alone or in any hypothetical combination, fail to disclose all of the elements recited in independent claims 1 and 13. Accordingly, these claims are allowable over the cited reference. For at least the same reasons, their respective dependent claims 4, 6, and 8 and 14, 16 and 18 are allowable over the cited references. Accordingly, the Appellant respectfully requests that the Board reverse the rejection of claims 4, 6, 8, 14, 15 and 18 under 35 U.S.C. § 103(a), and further requests the reversal of the rejection of canceled claim 25.

**D. Ground of Rejection No. 4**

The Appellant respectfully urges the Board to review and reverse the Examiner's fourth ground of rejection by which the Examiner rejected claims 9, 10, 20, 21 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr., in view of Accarie, in view of Ellis, in view of Hunter, and further in view of U.S. Patent Application Publication No. 2004/0019908 by Williams 908 (hereinafter "Williams 908").

The Appellant points out that claims 9 and 10 depend from claim 1, and claims 20 and 21 depend from claim 13. Independent claims 1 and 13 are allowable for the reasons given hereinabove. Thus, the Appellant submits that dependent claims 9, 10, 20 and 21 are also allowable for the reasons given hereinabove. Accordingly, the Appellant respectfully requests the Board reverse the rejection of claims 49, 20, 20 and 21 under 35 U.S.C. § 103(a).

The Appellant notes that claim 26 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams, Jr. and Accarie, in view of Ellis and further in view of Hunter. However, the Appellant points out that claim 26 has been canceled. Accordingly, the Appellant respectfully asserts that the rejection is moot.

For at least the reasons discussed above, the cited references, alone or in any hypothetical combination, fail to disclose all of the elements recited in independent claims 1 and 13. Accordingly, these claims are allowable over the cited references. For at least the same reasons, their respective dependent claims 9-10 and 20-21 are also allowable over the cited references. Accordingly, the Appellant respectfully requests that the Board reverse the rejection of claims 9, 10, 20 and 21 under 35 U.S.C. § 103(a), and further requests the reversal of the rejection of canceled claim 26.

**E. Request for Reversal of the Rejections**

In view of the reasons set forth above, the Appellant respectfully requests the Board to reverse the rejections of claims 1, 3-15, 17, 18, 20, 21, and 27-33 under 35 U.S.C. §§ 102(e) and 103(a).

**Conclusion**

The Appellant respectfully submits that all pending claims are in condition for allowance. However, if the Examiner or Board wishes to resolve any other issues by way of a telephone conference, the Examiner or Board is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: May 14, 2010

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8. **APPENDIX OF CLAIMS ON APPEAL**

**Listing of Claims:**

1. An audio/video (A/V) component networking system, comprising:  
a plurality of source components each including A/V program data;  
a first presentation device and a second presentation device; and  
a sink component disposed remote from at least one of the plurality of source components, the sink component adapted to display on the first presentation device a menu presenting an aggregation of the A/V program data available from each of the plurality of source components, the sink component adapted to control presentation of desired A/V program data selected from the menu and received from the corresponding source component on the second presentation device.
3. The system of Claim 1, wherein the sink component is adapted to enable a user to access the A/V menu interface associated with the source component corresponding to the desired A/V program data.
4. The system of Claim 1, wherein the sink component is adapted to perform a registration operation to register the source component corresponding to the desired A/V program data with the sink component.
5. The system of Claim 1, wherein the sink component is adapted to transfer the A/V program data via a plurality of different types of communication networks.
6. The system of Claim 1, wherein the sink component is adapted to perform a registration operation to register a format of the A/V program data available from the plurality of source components with the sink component.

7. The system of Claim 1, wherein the plurality of source components includes a satellite receiver component, a digital versatile disk (DVD) component, a cable component, a computer, a video recorder component, and a compact disc (CD) component.

8. The system of Claim 1, wherein the sink component is adapted to perform a registration operation to register the first presentation device and the second presentation device with the sink component.

9. The system of Claim 1, wherein the sink component is adapted to filter the A/V program data available from the plurality of source components based on a format of the A/V program data.

10. The system of Claim 1, wherein the sink component is adapted to filter the A/V program data available from the plurality of source components based on a type of the second presentation device coupled to the sink component.

11. The system of Claim 1, wherein the sink component is adapted to control a menu function associated with the A/V program data.

12. The system of Claim 1, wherein the sink component is adapted to access an A/V program data library of the source component corresponding to the desired A/V program data.

13. An audio/video (A/V) component networking method, comprising:  
displaying a menu presenting an aggregation of A/V program data available from each of a plurality of source components on a first presentation device;  
and

controlling, via a sink component, presentation of desired A/V program data selected from the menu and received from the corresponding source component on a second presentation device.

14. The method of Claim 13, further comprising performing a registration operation to register the source component corresponding to the desired A/V program data with the sink component.

15. The method of Claim 13, further comprising performing a registration operation to register a format of the A/V program data available from the plurality of source components with the sink component.

17. The method of Claim 13, further comprising transmitting, via a command issued by the sink component, a command to at least one of the group consisting of a satellite receiver component, a digital versatile disk (DVD) component, a cable component, a computer, and a compact disc (CD) component.

18. The method of Claim 13, further comprising accessing an A/V menu interface of the source component associated with the desired A/V program data via the sink component.

20. The method of Claim 13, further comprising filtering the A/V program data displayed in the menu on the first presentation device based on suitability of a format of the desired A/V program data for the second presentation device.

21. The method of Claim 13, further comprising filtering the A/V program data displayed in the menu on the presentation device based on a type of the second presentation device coupled to the sink component.

27. An audio/video (A/V) component networking method, comprising:  
receiving, via a sink component, desired A/V program data selected from a menu  
presenting an aggregation of A/V program data available from each of a  
plurality of source components, the menu displayed on a first presentation  
device;  
receiving, via the sink component, the desired A/V program data from a  
corresponding source component; and  
presenting the desired A/V program data on a second presentation device.
28. The method of Claim 27, further comprising:  
receiving an input by the sink component corresponding to a menu interface  
presented on the first presentation device; and  
transferring the input to the source component corresponding to the desired A/V  
program data.
29. An audio/video (A/V) component networking system, comprising:  
a source component;  
a presentation device; and  
a sink component adapted to control presentation of A/V program data received  
from the source component on the presentation device, the sink  
component adapted to transmit a command to the source component to  
control display of an A/V menu data stream on the presentation device,  
wherein the A/V program data displayed in the menu on the first  
presentation device is based on a suitability of a format of the desired A/V  
program data for the presentation device.
30. An audio/video (A/V) component networking system, comprising:  
a source component adapted to transmit a stream of A/V menu data to the sink  
component to enable the user to identify, access or control menu functions  
or parameters of the source component;

a presentation device; and

a sink component adapted to control presentation of A/V program data received from the source component on the presentation device, wherein the sink component is adapted to transmit a command to the source component to control display presentation of the A/V menu data stream on the presentation device, wherein the stream of A/V menu data comprises a continuous or periodic data flow, thereby enabling automatic updating of A/V menu data provided to the user via the sink component, and wherein the sink component is adapted to filter the A/V program data available from the source component based on a type of the presentation device coupled to the sink component.

31. The system of claim 30, wherein the stream of A/V menu data comprises a real time presentation of menu-related information associated with the source component.

32. The system of claim 30, wherein the stream of A/V menu data comprises a menu function for identifying various menu functions available from the source component, a library of A/V program data available from the source component, a listing of A/V program data available from the source component, a demodulation display for identifying A/V program data available from the source component, a demodulation display for selecting A/V program data available from the source component, or functions associated with initiating a transfer of selected A/V program data from the source component.

33. The system of claim 30, wherein the sink component is adapted to perform a registration operation to register the presentation device with the sink component.



9. **EVIDENCE APPENDIX**

None.

10. **RELATED PROCEEDINGS APPENDIX**

None.